

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ADAM LEE PINKTON, #43551

PLAINTIFF

V.

CIVIL ACTION NO. 3:16-cv-238-CWR-FKB

TERESA SIMS

DEFENDANTS

REPORT AND RECOMMENDATION

This cause comes before the Court *sua sponte* regarding the plaintiff's failure to prosecute his claims. *Natural Gas Pipeline Co. v. Energy Gathering, Inc.*, 2 F.3d 1397, 1407 (5th Cir. 1993)(citing *Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962) (a district court has inherent power to dismiss a case *sua sponte* for failure to prosecute)). Plaintiff has failed to respond to this Court's Show Cause Order [19], entered November 2, 2016. Furthermore, in previous orders, this Court has warned Plaintiff that he must keep the Court informed of his current address. In spite of these warnings, two orders of this Court have been returned to the Clerk of Court marked "Return to Sender," indicating that Plaintiff is no longer located at the address listed in the Court's records. *See* [18] and [20]. By failing to respond to the Show Cause Order entered November 2, 2016, and by failing to keep the Court informed of his current address, Plaintiff has failed to prosecute this case. For these reasons, the undersigned recommends that Plaintiff's claims be dismissed without prejudice for failure to prosecute. Fed. R. Civ. P. 41(b).

The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendation contained within this report and recommendation within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal

conclusions accepted by the district court. 28 U.S.C. §636, *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

RESPECTFULLY SUBMITTED, this the 19th day of December, 2016.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE